

SENATE BILL 400

J1

11r1558
CF HB 1180

By: **Senators King, Ferguson, Forehand, Montgomery, Peters, Pugh, Ramirez, Raskin, and Robey**

Introduced and read first time: February 4, 2011

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Certificates of Foreign Birth –**
3 **IH-3 Visa**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene, on request,
5 to prepare and register a certificate of foreign birth for certain individuals who
6 have been granted an IH-3 visa by the United States Immigration and
7 Naturalization Service; requiring the certificate to be established on receipt of
8 certain documents, including proof of IH-3 visa status; making stylistic
9 changes; and generally relating to certificates of foreign birth prepared and
10 registered by the Department of Health and Mental Hygiene.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 4-211(i)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 4-211.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) (1) The Secretary shall, [upon] **ON** request, prepare and register a
2 certificate in this State for [a person] **AN INDIVIDUAL** born in a foreign country and
3 who was adopted:

4 (i) Through a court of competent jurisdiction in this State; or

5 (ii) 1. Under the laws of a jurisdiction or country other than
6 the United States and has been granted an **IR-3 OR IH-3** visa by the United States
7 Immigration and Naturalization Service under the Immigration and Nationality Act;
8 and

9 2. By an adopting parent who is a resident of this State.

10 (2) Except as provided in paragraph (3) of this subsection, the
11 certificate shall be established [upon] **ON** receipt of:

12 (i) A certificate of adoption from the court decreeing the
13 adoption;

14 (ii) Proof of the date and place of the child's birth; and

15 (iii) A request from the court, the adopting parents, or the
16 adopted person if 18 years of age or over that the certificate be prepared.

17 (3) If the child was adopted under the laws of a jurisdiction or country
18 other than the United States and has been granted an **IR-3 OR IH-3** visa by the
19 United States Immigration and Naturalization Service under the Immigration and
20 Nationality Act, the certificate shall be established [upon] **ON** receipt of:

21 (i) An official copy of the decree from the jurisdiction or country
22 in which the child was adopted;

23 (ii) A certified translation of the foreign adoption decree;

24 (iii) Proof of the date and place of the child's birth;

25 (iv) Proof of **IR-3 OR IH-3** visa status;

26 (v) A request from the court, the adopting parents, or the
27 adopted person if 18 years of age or over that the certificate be prepared; and

28 (vi) Proof that the adopting parent is a resident of this State.

29 (4) The certificate shall be labeled "Certificate of Foreign Birth" and
30 shall show the actual country of birth.

1 (5) A statement shall also be included on the certificate indicating that
2 it is not evidence of United States citizenship for the child for whom it is issued.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.